Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Telephone Number Portability	)	**CC Docket No. 95-116**
	)	

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. ("T-Mobile"), through its undersigned counsel, respectfully submits these comments in response to the Federal Communications Commission's ("Commission") Notice of Proposed Rulemaking in the above-captioned proceeding.[1] This proceeding provides the Commission with an opportunity to enhance competition and maximize consumer choice by implementing rules and polices that make it easier and more efficient for consumers to port their telephone numbers between wireline and wireless carriers. The North American Numbering Council's ("NANC") recommendation for reducing the time interval for intermodal porting provides a good starting point for accomplishing this goal, but the Commission can and should improve the intermodal local number portability ("LNP") process by adopting the modifications T-Mobile proposes here.

The Commission should, for example, require all carriers to use a single, streamlined port request format that contains only the minimum amount of information necessary to validate and process the consumer's port request. A single, streamlined port request format would reduce (1) the time and effort necessary to process port requests, (2) the costs associated with processing port requests, and (3) the likelihood of porting errors and ports placed in reject status. In addition to these immediate benefits, a single, streamlined port request format would facilitate

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[1] *In the Matter of Telephone Number Portability*, Second Further Notice of Proposed Rulemaking, FCC 04-217 (rel. Sept. 16, 2004).

future improvements to the intermodal porting process. Because consumers would benefit from the modifications T-Mobile proposes, T-Mobile respectfully requests that the Commission adopt the NANC recommendation with the modifications proposed below.

I. THE COMMISSION SHOULD FOSTER COMPETITION BY MAKING THE INTERMODAL PORTING PROCESS AS EFFICIENT, FAST AND INEXPENSIVE AS POSSIBLE

A. Reducing the Intermodal Porting Interval Would Serve the Public Interest

The primary goal of portability is to foster competition by making it easier for consumers to change carriers. The Commission repeatedly has sought to foster consumer choice though LNP so that customers can enjoy the greatest possible "flexibility in the quality, price, and variety of telecommunications services they can choose to purchase."[2] The Commission has found that "number portability increases competition between telecommunications service providers by, among other things, allowing customers to respond to price and service charges without changing their telephone numbers."[3]

In light of the Commission's increasing reliance on intermodal competition,[4] it is more important than ever for the Commission to facilitate consumer choice and to foster increased competition among wireless and wireline service providers by making it as easy as possible for consumers to retain their telephone number when changing service providers. The easier it is for consumers to switch from one provider to another, the more likely it is that consumers will

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2 *Telephone Number Portability*, 11 FCC Rcd 8352, 8368, ¶ 30 (1996).

3 *Id.*

4 *See, e.g., Petition for Forbearance of the Verizon Telephone Companies Pursuant to 47 U.S.C. § 160 (c), WC Docket No. 01-338, et al.;* Memorandum Opinion and Order, FCC 04-254 (rel. Oct. 27, 2004) (relying in part on intermodal competition in granting ILEC requests for forbearance); *see also Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, 17 FCC Rcd 2844, 2877-81, ¶¶ 79-88 (2000) (describing development of intermodal competition in the broadband market).

exercise their right to change service providers in a manner that sends accurate economic signals to the marketplace, which will better encourage the competition the Act seeks to foster. Indeed, the benefits of portability increase as the length of the porting interval and the inconvenience of changing carriers decrease. Therefore, the Commission should adopt the NANC recommendation for reducing the time interval for intermodal porting in accordance with the modifications T-Mobile proposes here to ensure that the burdens associated with changing service providers are lessened to the greatest degree possible.

B. The Commission Can Reduce the Porting Interval by Improving the Efficiency of the Port Verification Process

The Commission has clarified that carriers must grant all valid requests to port active telephone numbers, and that all non-fraudulent requests to port active numbers are valid.[5] The Commission has also clarified that carriers need exchange only the minimum amount of information necessary to ensure that a port request is not fraudulent.[6] Accordingly, the intermodal porting process should be designed to verify as rapidly and efficiently as possible that an intermodal port request is not fraudulent.

The Commission should adopt the C2/A3 proposal recommended by NANC to improve the intermodal porting process. However, the C2/A3 proposal does not address some of the

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5 *See Letter to John T. Scott, III, Vice President and Deputy General Counsel, Verizon Wireless, and Michael F. Altschul, Senior Vice President, General Counsel, Cellular Telecommunications and Internet Association from John B. Muleta, Chief, Wireless Telecommunications Bureau,* 18 FCC Rcd 13110, 13112 (2003) (stating that the "carriers may not impose restrictions on the porting-out process beyond necessary customer validation requirements."); *Telephone Number Portability; Carrier Requests for Clarification of Wireless-Wireless Porting Issues,* Memorandum Opinion and Order, 18 FCC Rcd 20, 971, 20, 972, ¶ 2 (2003) (affirming the Bureau's determination that carriers may not impose restrictions on the porting process).

6 *See Letter to John T. Scott, III, Vice President and Deputy General Counsel, Verizon Wireless, and Michael F. Altschul, Senior Vice President, General Counsel, Cellular Telecommunications and Internet Association from John B. Muleta, Chief, Wireless Telecommunications Bureau,* 18 FCC Rcd 13110, 13112 (2003); *Telephone Number Portability; Carrier Requests for Clarification of Wireless-Wireless Porting Issues,* Memorandum Opinion and Order, 18 FCC Rcd 20, 971, 20, 972, ¶ 2 (2003).

primary obstacles to efficiency that currently exist in the intermodal porting process. For example, the C2/A3 proposal does not seek to make it any easier for carriers to submit an "error free" port request that will pass all the various wireline Local Service Request ("LSR") requirements, which are changed up to four times each year. On average, it takes between five and fifteen supplemental requests to achieve an "error free" port request. Accordingly, the sources of much of the delays and inefficiencies in the current intermodal porting process will continue to exist after implementation of the C2/A3 proposal unless the Commission also implements the additional modifications T-Mobile proposes here. Specifically, in addition to adopting the C2/A3 proposal, the Commission should adopt a single, mandatory intermodal port request format that specifies the validation criteria which carriers must provide with each port request. The Commission should also require carriers (1) to exchange the minimum amount of information necessary to process and validate port requests, and (2) to identify all errors in a port request when placing that port request in a reject status. As explained below, implementation of these practical and reasonable modifications to the C2/A3 plan would serve the public interest by significantly increasing the speed and efficiency with which all port requests are processed.

1. The current intermodal porting process contains significant obstacles preventing efficiency

There is widespread agreement that the current intermodal porting process is extremely inefficient. The main cause of inefficiency is that wireless carriers and wireline carriers have developed port request formats and standards for processing port requests that differ in materially significant ways.

Wireless carriers have developed a uniform port request format and simple standards for processing port requests that reduce the length of the porting interval and the burdens associated with processing port requests. In order to increase the efficiency of the porting process, wireless

carriers exchange the minimum amount of information necessary to process and validate the port request, and provide that information in a standardized format which facilitates automation and reduces the opportunities for inadvertent errors. The experience of wireless carriers over the past year demonstrates that there is no material risk of inadvertent or fraudulent porting when carriers examine only two or three numeric fields to validate port requests. To reduce the time necessary to correct inadvertent errors, carriers must identify all errors in a port request before placing it into reject status. Standardization of the wireless porting process has (1) created significant incentives for wireless carriers to automate the porting process, (2) reduced the percentage of ports placed into reject status, (3) decreased the opportunities for disputes between carriers, and (4) allowed wireless carriers to process ports in a matter of hours rather than days.

In sharp contrast to the standardized port request format that wireless carriers utilize, wireline carriers require the submission of an LSR to initiate the port request process. As the NANC Report notes,[7] each carrier can develop and use its own LSR format, and change that format without advance notice to other carriers. As a result, each wireline carrier is able to set its own rules and requirements for permitting subscribers to port their telephone numbers away to other carriers. Many wireline carriers validate dozens of fields of alphanumeric data and reject any port request that does not contain an exact match for each and every field in their LSR. The experience of the wireless carriers demonstrates that most of the fields in the typical LSR are unnecessary, because port requests can be validated and processed without the exchange of such local service provisioning information. The lack of standardization requires other carriers to modify their systems in order to submit port requests to wireline carriers. Further, wireline carriers may implement changes in their LSRs up to four times annually without advance notice,

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[7] *See* NANC Report at 28.

which not only increases porting costs and errors, but also frustrates the efforts of all carriers to implement automated number portability systems or use automated systems they have already implemented.

To complicate matters, wireline carriers need only identify one error in an LSR when placing a port request into reject status, and most identify only one error even if the LSR contains multiple errors. Each mismatched field in an LSR constitutes a separate error. As a result, new service providers frequently resubmit port requests after correcting the listed error only to have the port request placed back into reject status due to another, previously unidentified error in the LSR. LSRs frequently contain multiple errors for the reasons discussed above, and thus wireline carriers place port requests into reject status multiple times. On average, wireline carriers typically place LSRs into reject status five to fifteen times before accepting the LSR as error free and processing the requested port. The correction of multiple LSR errors requires manual intervention, which introduces unnecessary delay, cost and burdens. In short, the high number of validation fields in the typical LSR and the procedures that apply to the processing of wireline port requests make it unnecessarily difficult and costly to port numbers away from wireline carriers.

The problems associated with porting numbers away from wireline carriers are compounded when the new service provider is a wireless carrier. Wireless carriers typically do not collect, or even have access to, the data necessary to complete the typical LSR. As such, consumer requests to port telephone numbers from wireline carriers to wireless carriers frequently are difficult to process and frustrating for both the consumer and the wireless carrier. Each delay that the customer experiences in porting its number increases the chance that the customer will cancel the port request and will choose to remain with its current carrier.

2. *The Commission should adopt a single, mandatory intermodal port request format*

Where different industry segments have implemented disparate standards for shared procedures, the Commission can best serve the public interest by adopting common requirements that reflect the best aspects of both standards if the industry as a whole is unable or unwilling to do so voluntarily. With respect to intermodal number portability, Commission intervention is crucial because the wireline and wireless carriers have not reached, and likely will never reach, agreement with respect to an intermodal porting standard that reflects the best aspects of both the wireline and wireless portability standards. Therefore, it is essential that the Commission adopt specific porting rules and requirements, and not simply continue to rely on industry developed guidelines for intermodal portability. The Commission should adopt explicit and enforceable rules that improve the efficiency of the intermodal porting process and reduce the likelihood of inter-carrier disputes regarding port requests. In addition to adopting explicit and enforceable rules, the Commission should clarify that failure to comply with the spirit of the rules is an unjust and unreasonable practice in violation of section 201(b) of the Act.[8]

In addition to adopting the C2/A3 proposal recommended by NANC to improve the intermodal porting process, the Commission should adopt a single, mandatory intermodal port request format that specifies the validation criteria which carriers must provide with each port request.[9] The Commission should also require carriers (1) to exchange the minimum amount of information necessary to process and validate port requests, and (2) to identify all errors in a port

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[8] 47 U.S.C. § 201(b).

[9] *NPRM* ¶ 11; NANC Report and Recommendation on Intermodal Porting Intervals, at 28 (May 3, 2004) (stating that the "industry may consider establishing one common LSOG version (a uniform format and exchange of information) and a single mechanized interface that could yield efficiencies by reducing the implementation time and effort required to deploy a mechanized interface when compared to automating the various intercarrier communication process, formats and forms in use by trading partners today.") ("NANC Report").

request when placing the port request in reject status. Implementation of these practical and reasonable modifications to the C2/A3 plan would serve the public interest by significantly increasing the speed and efficiency with which all port requests are processed.

The Commission should specify the format and content of information that carriers must exchange. Specifically, for an intermodal simple port request, T-Mobile proposes that all carriers be required to exchange and validate on the following two or three fields of information: 1) the ten digit telephone number; 2) the porting subscriber's social security or telephone account number or Tax Identification Number; and 3) if applicable on a secured account, the Personal Identification Number ("PIN") or password. The Commission should require carriers to port numbers when these fields match or list all errors in such fields before placing a port request into reject status. By limiting the information that carries exchange, the Commission will both reduce errors and delays in the intermodal porting process as well as the burdens associated with processing such requests. Moreover, standardization will reduce inter-carrier disputes and create significant incentives for carriers to automate their porting processes.

II. THE COMMISSION SHOULD REQUIRE CARRIERS TO IMPLEMENT THE NEW PORTING REQUIREMENTS IN 12 MONTHS

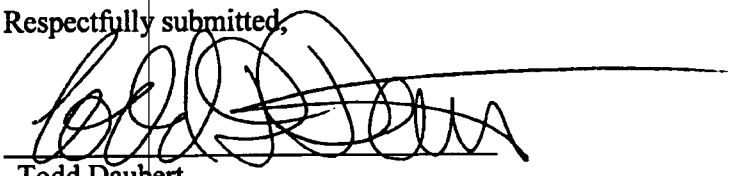
The Commission should require carriers to implement the streamlined porting requirements within 12 months. In the *NPRM*, the Commission notes that the NANC Report states that it may take up to twenty-four months to implement changes to the porting process. Twenty-four months to simplify the intermodal porting process is unnecessary long. To the extent that an individual carrier is unable to implement the practical and reasonable modifications that T-Mobile proposes here, the carrier can apply for an extension of the deadline for complying with the new standards. However, adopting such a long implementation timeframe will create incentives for carriers to delay modifications of their systems and then

request further extensions as the deadline approaches. T-Mobile respectfully submits that the public interest will be better served by requiring implementation within 12 months, and considering extension requests on a case-by-case basis under the well-established waiver rules.

III. CONCLUSION

For the foregoing reasons, T-Mobile respectfully requests that the Commission adopt the NANC's C2/A3 recommendation with the modifications requested herein.

Respectfully submitted,



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